

even in a recession business gets a 4 to 5 percent return on its investment. The real test should be, if the money is spent in the Government sector, will we get at least that return on the investment that we are making? If we do not, we should leave that money in the private sector so the private sector can get that return on that investment and therefore generate more economic activity in our private enterprise system.

Another question is whether the new Government spending replaces State and local spending. My understanding is there is a big chunk of money to go to State and local governments. Now they have gotten themselves into a pickle because a lot of them have big budget deficits this year. They are going to constrict what they spend money on as well or they are going to have to raise taxes or fees or find some other way to balance their budgets.

But they obviously would like for the Federal Government to bail them out. Well, obviously before the Federal Government considers doing that, the first question is, Are you going to correct what has created the deficiency in the first place or are we simply going to save your bacon then you do not have to do anything to change your ways. Are you going to reduce your spending? For example, are you going to spend the money anyway?

People are talking about shovel-ready projects. There are a lot of shovel-ready projects at the State level for roads or highways or whatever, and they are called shovel-ready because the State is prepared to do them. Well, if the State is going to do them anyway, then clearly the Federal Government paying for it is not going to create any new jobs. It is not going to stimulate economic growth in any way, even though it might produce a new bridge or a new highway that is useful to the people in that State. So since our goal is to stimulate new economic activity, we must ask whether the spending will really create new economic activity or merely replace something at the State level that would occur anyway.

The penultimate question is, Is it worth doing? We have to ask the taxpayers from whom we are getting money whether an investment is worth undertaking at all. For example, one of the things that would be on an infrastructure to-do list was a mob museum in Las Vegas; there was a snowmaking venture in Minnesota. Are these the kind of investments that American taxpayers believe are warranted under any circumstances?

There are a lot of investments the Federal Government can make that are worthwhile. For example, clearly we have used a lot of military equipment that needs to be replaced. There are good jobs throughout this country producing military equipment. We need to add personnel to our military. I think there is a general consensus to do that. That will cost money. That will obviously create jobs.

So those are activities that are needed, are worthwhile, are job creating, and clearly would help our country, potentially being much more worthwhile than, like I say, a mob museum or some kind of snowmaking equipment.

Then, finally, I think there is one final test that we might talk about. In view of the huge deficit we have, should we make the deficit worse? This is a cost-benefit analysis. This is clearly going to be added to the deficit. So the question is, How much more deficit can we pile on without having adverse consequences in the immediate and long-term? We might stimulate the economy over the next 3 or 4 months, but if we are creating a huge hole to dig out of 3 or 4 years from now, we have to ask, Is it really going to be worth it.

So when we evaluate the different proposals, we have to ask whether it is going to be worth it to have this large deficit, twice the \$1.2 trillion of this coming year. One thought in this regard is this: When we lower tax rates, we know it helps people. It helps small business create jobs. That is what you do in a recession. You try to help people by letting them keep more of their money so they can spend it and help get us out of the recession.

Permanent tax cuts are the way to do that. The permanent tax cut obviously may or may not reduce revenue to the Treasury. The right kind of tax cuts can actually produce more revenue to the Treasury, but increased spending, there is no way around it, loses money to the Treasury. It puts you in a deeper hole. So as between the potential relief from taxes, leaving more money in the private sector, which is eventually going to create the jobs to get us out of the recession, or having the Government spend more money and creating a larger deficit that way, it is a test that I think we need to be very clear about, from my mind.

While I am willing to help do things to stimulate economic activity in the short term, I am not willing to ignore long-term consequences of a deficit the size that would be created by the kind of spending we are talking about.

If we apply the right kind of tests—and they are sensible. They are not Republican or Democratic tests; they are obviously tests that any prudent person would ask before spending this kind of money—I think that will help us better evaluate the kind of economic stimulus package we can actually support in the Senate. It will be the kind of analysis our taxpaying constituents expect of us when, in view of all of the other things that have been done to bail out various aspects of our economy, with the kind of trillion-dollar-plus deficit we are looking at, they want us to engage in, they want us to be prudent.

They have had their fill of wasteful Washington spending. They want us to be very careful about what we do with their money in the future. I hope as we

engage this debate in the future—we will have plenty of time to talk about it, debate it, think about it, to analyze it and I am not suggesting we try to slow-walk it, but in trying to move quickly we nevertheless take the time to perform the kind of analysis I have talked about.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRIFFIN BELL

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to a long-time, good friend and a great Georgian, Griffin Bell, who passed away on Monday of this week. Judge Griffin Bell was a native of America's Georgia. He was a distinguished lawyer in our State since 1947, when he passed the Georgia bar after completing just four quarters of study in his beloved Mercer Law School in Macon, GA. Upon graduation the following year, he entered private practice in Savannah. Appointed by President John Kennedy to the Fifth Circuit Court of Appeals, Attorney General of the United States under President Jimmy Carter, and as an attorney for President George H.W. Bush, Judge Bell has left an extraordinary legacy of courage, integrity, wisdom, and, yes, humor to our Nation and to my State.

In one of the press reports this week, upon Judge Bell's death at the age of 90, one of his law partners, Richard Schneider at the distinguished Atlanta firm of King & Spalding, where Judge Bell practiced before and after his service on the Federal bench and as Attorney General, said:

No novelist, not even Dickens or John Irving, could have created a more memorable character than Judge Bell. He took the role of being a lawyer and transformed it into a legend. It is remarkable that every man and woman who spent even a brief period with Judge Bell would cling to him and claim him as their hero forever. That is how legends are made and legends last forever. That will be the case with the great Griffin Bell.

I ask unanimous consent that the article from the Newnan Times-Herald, in which the Schneider comments appear, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Newnan Times-Herald]
HEAVEN IS GREATER WITH THE ARRIVAL OF
GRIFFIN BELL

Georgia is saying goodbye to one of our state's most distinguished citizens. Griffin B. Bell, lawyer, judge, U.S. attorney general and confidante to presidents, governors and many others, died Monday. A public graveside service will be 11 a.m. today in Americus, where he was born. A public memorial

service will be 11 a.m. Friday at Second Ponce de Leon Baptist Church in Atlanta.

When we think of Griffin Bell, some of the words that come to mind are distinguished, integrity, professionalism, charm, statesman, enduring. In reading some of the news accounts reacting to his death, we heard words that help define this Georgia giant.

Said his grandson Griffin Bell III: "He was ready to go. We are just blessed to have him so long. He's a great man, a great grandfather. We're going to miss him—everything was checked off his list. . . . He was still running the show until very recently. . . . If he had another six months, he'd still knock off four or five major projects."

Arlington Christian School

Said law partner Bob Steed: "If he took a position, he'd take it strongly and defend it. But if someone improved it, he was willing to give way. His ego didn't get involved with his choices. . . . He was sharp to the very end. He told his son that there must be a committee in heaven in charge of dying, because it was taking so long."

Former Mercer University Chancellor R. Kirby Godsey said, "Griffin Bell was more than an outstanding statesman or a great American; he stood as a first citizen of the world whose voice and insights will shape human history for decades to come."

"No novelist—not even Dickens or John Irving—could have created a more memorable character than Judge Bell," said law partner Richard N. Schneider. He took the role of being a lawyer and transformed it into legend. . . . It is remarkable that every man and woman who spent even a brief period with Judge Bell would cling to him and claim him as their hero forever. That's how legends are made, and legends last forever—and that will be the case with the great Griffin Bell."

And finally, from former prosecutor and now CNN personality Nancy Grace:

"I have known many, many judges during my legal career. Judge Bell, without a doubt, was the most honorable of them all. . . . He will be missed sorely, but, as of this moment, heaven has become even greater."

Mr. CHAMBLISS. In two short weeks President-elect Obama will be inaugurated as the 44th President of the United States. I am proud of this moment for him and for our Nation. The new President will have my prayers and support. I believe it is appropriate to link in some small way the President-elect's great and historic victory to the courage and integrity of Judge Bell. In the 1950s and 1960s across the South and across our Nation as a whole, the country worked to implement the landmark case of *Brown v. Board of Education*. While serving as chief of staff to Georgia Governor Ernest Vandiver, Judge Bell provided counsel to the Sibley Commission. This blue-ribbon panel held hearings throughout Georgia for the purpose of educating citizens on the inevitability of public school desegregation. In my view, his efforts on this commission were an important step down the path Dr. Martin Luther King, Jr. and others traveled that enabled Atlanta to become the city and community that it is today, for Georgia to truly become the empire State of the South, and for our Nation to elect our new President.

After cochairing President Kennedy's successful Georgia campaign during his 1960 Presidential election, the Presi-

dent nominated Judge Bell to a position on the Fifth Circuit Court of Appeals. To quote from his excellent biography provided by King & Spalding:

Judge Bell was unquestionably one of the court's strongest civil rights enforcers. He fervently believed in the rule of law and had little patience for segregationist-minded government officials seeking to evade or defy court orders to deny African Americans their civil rights. In *United States v. Barnett* . . . Judge Bell voted with the majority of the court in ordering the University of Mississippi to admit James Meredith as a student and enjoined the governor from interfering with his admission.

I ask unanimous consent that the firm's biography of Judge Bell be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BELL, GRIFFIN (1918—)

The shadow of Griffin Bell looms large across the landscape of jurisprudence in the United States. Over the course of his distinguished fifty-five-year legal career, Bell has compiled an impressive list of achievements, serving as the managing partner of Atlanta's premier law firm, the chief of staff to the governor of Georgia, the U.S. attorney general, legal adviser to three U.S. presidents, the "lawyer of last resort for some of the nation's largest corporations," and, for over fourteen years, an influential federal appellate judge.

Griffin Boyette Bell was born on 31 October 1918 in Americus, Georgia, to Adlai Cleveland Bell, a cotton farmer, and Thelma Leola Pilcher Bell. A. C. Bell laid the foundation for his son's future career in law and politics at an early age, taking the youngster to numerous campaign rallies and trials at the local courthouse. Fortunately, the boy's intellect was more than sufficient to meet his father's ambitions for him. He was extremely intelligent, graduating from Americus High School at the age of fifteen. Bell then attended Georgia Southwestern College and worked as a Firestone salesman before being drafted by the army in 1941. After completing Officer Candidate School, he served as a company commander for more than 500 soldiers during World War II, eventually attaining the rank of major. Bell credits his time in the army as the most valuable management experience he could have received for a career in the law. It was also during this time period that he met his bride-to-be, Mary Powell. The Bells were married for almost sixty years before Mary's passing in the fall of 2000. Their marriage produced one son, Griffin Jr., and two grandchildren, Griffin III and Katherine. Judge Bell is now married to Nancy Kinnebrew Bell.

In 1946, after receiving an honorable discharge, Griffin Bell took advantage of the G.I. Bill by enrolling at Mercer University's law school in Macon, Georgia. In addition to his legal studies, Bell clerked for the law firm of Anderson, Anderson and Walker and served as the first city attorney of Warner Robbins, Georgia. In 1947, after just four quarters of study, he passed the Georgia bar on his first attempt. One year later, he graduated from Mercer with honors. Since that time, Bell has received the Order of the Coif from Vanderbilt University's law school and honorary degrees from several other colleges and universities.

Griffin Bell began his legal career with Lawton and Cunningham, a historic Savannah law firm that once "sued the federal government to recover the value of the cotton that Gen. William Tecumseh Sherman

had burned on his 'march to the sea'" (Murphy 1999, 29). In 1952, he left Savannah to become a named partner of Matthews, Owens and Maddox, a law firm located in Rome, Georgia. But he only stayed in Rome for a "spell," leaving just one year later to join the prestigious Atlanta law firm of King and Spalding (formerly known as Spalding, Sibley, Troutman and Kelly). Upon arriving at King and Spalding, he immediately "began to lead the firm toward a more involved role in government affairs" (Murphy 1999, 40). In 1958, after just five years, he became the firm's managing partner and one year later was named chief of staff to S. Ernest Vandiver, the newly elected governor of Georgia. As chief of staff, Bell was the architect of the Sibley Commission, a blue ribbon panel designed to conduct hearings throughout the state "for the purpose of educating segregationists on the inevitability of public school desegregation" (Patterson 1977). The commission is universally credited with being the vehicle that saved Georgia's public school system.

In 1960, Bell was asked to cochair Sen. John F. Kennedy's presidential campaign in Georgia. He agreed to do so "before it was by any means certain a Catholic and a 'liberal' on civil rights could carry that state" (Patterson 1977). In one of their first meetings, Kennedy asked Bell whether he would be embarrassed to campaign on behalf of a Catholic. Bell replied, "Not at all. But I am embarrassed for our country that you would think to ask me that question" (Murphy 1999, 71). In the end, Kennedy won the election and carried Georgia by a larger margin than in any other state. Afterward, Robert Kennedy, the president's brother and new U.S. attorney general, contacted Bell to inquire as to whether he was interested in a position or appointment with the federal government. Bell told him it was his understanding that two judgeships might open up on the United States Court of Appeals for the Fifth Circuit, at that time the nation's largest federal appellate court, and that he would certainly be interested in being considered for one of them. President Kennedy gladly obliged, nominating the forty-two-year-old Bell for a judgeship on the Fifth Circuit on 6 October 1961. But instead of waiting for the Senate to confirm the nomination, Kennedy decided to make Bell a recess appointment because of "the circuit's mounting caseload problems" (Barrow and Walker 1998, 29). The U.S. Senate confirmed Bell's nomination by an overwhelming margin the following spring.

Griffin Bell brought a forceful personality to the Fifth Circuit. A cross between Mark Twain and John Marshall, Bell was plain spoken, witty, charming, politically savvy, and extremely intelligent. He joined the court during one of the most turbulent times in our nation's history. The country was in the midst of a social revolution, and the Fifth Circuit—with jurisdiction over the Deep South states of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas—was the primary battleground in the struggle for civil rights. As tensions rose to a boiling point, the Fifth Circuit was called upon to dispense justice and maintain societal order. Never one to sit on the sidelines, Bell wasted little time entering into the fray and quickly became one of the court's most respected and influential jurists. As a judge, he unequivocally enforced the civil rights of black Americans, served as a bridge between the activist judges of the court and states' rights advocates, masterfully accommodated the competing interests of warring civil rights litigants to achieve commonsense solutions in the most complex of cases, and was a leader in the fight to preserve neighborhood schools on a nonracial basis.

Judge Bell was unquestionably one of the court's strongest civil rights enforcers. He

fervently believed in the rule of law and had little patience for segregationist-minded government officials seeking to evade or defy court orders or deny blacks their civil rights. In *United States v. Barnett* (1963–1965), Bell voted with the majority of the court in ordering the University of Mississippi to admit James Meredith as a student, enjoining the governor of the state from interfering with his admission, and holding the governor in civil contempt for attempting to do so. In *Evers v. Jackson Municipal Separate School District* (1964), he reversed a district court's dismissal of complaints seeking desegregation of the public school systems of Jackson, Biloxi, and Leake County, Mississippi, eloquently noting that schools are not truly desegregated until "inhibitions, legal and otherwise, serving to enforce segregation have been removed . . . [and black children] are 'afforded a reasonable and conscious opportunity to apply for admission to any schools for which they are eligible without regard to their race or color, and to have that choice fairly considered by the enrolling authorities.'" In *United States v. Lynd* (1965), he authored an opinion holding a state court clerk in civil contempt for willfully disregarding a court order allowing blacks to register to vote. In *Turner v. Goolsby* (1965–1966), Bell crafted an innovative desegregation order placing the school system of Taliaferro County, Georgia, into a receivership after local officials closed down the county's only white school and secretly arranged for those children to attend schools in adjoining counties.

One of Judge Bell's most important enforcement decisions was *United States v. Hinds County School Board* (1969), a case involving the development and implementation of desegregation plans in thirty-three Mississippi school districts. This case came about after the Supreme Court reversed and remanded a Fifth Circuit order giving the state additional time to desegregate, holding "the continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible" (*Alexander v. Holmes County Bd. of Educ.* 1969). In an extraordinary move, the Court ordered the Fifth Circuit immediately to fashion and implement desegregation plans for each school district, even though the school year was already well under way. Chief Judge John R. Brown wasted little time in assigning Bell the difficult task of handling the case. Brown's reasons for doing so were obvious to the other members of the court. By that time, Bell had proven himself to be a brilliant tactician and a deft negotiator. As the "man in the middle," he was adroit "in the use of compromise" and "had the ability to bring together opposing sides, to find a common ground, and reconcile differences" (Barrow and Walker 1998, 28). A judge who frequently hunted with Bell claimed that he was so persuasive "[he could] talk the birds out of the trees to sit on his shoulder" (28). His colleagues had no doubt that he could handle this complex and unwieldy case. Bell did not disappoint. He began by summoning all of the school superintendents to New Orleans for a meeting. According to one witness, "He read the riot act to them—He told them they were desegregating next month whether they liked it or not" (Strasser 1977). After flashing the "big stick," Bell turned on his trademark charm. He spent several weeks conferring with civil rights lawyers, school board attorneys, and local officials about the details of the respective desegregation plans and the manner in which they would be implemented. This innovative approach "drew praise from all sides" and helped safeguard "the public's perception of judicial even-handedness" (Bass 1998a, 1505).

More important, the Hinds decision marked a turning point for the Fifth Circuit's desegregation jurisprudence. In the past, if a circuit panel found fault with a district court's desegregation order, it would simply reverse and remand the case with instructions to develop a new plan. In the meantime, schools would remain segregated. After Hinds, however, the status quo during desegregation litigation was a desegregated school system.

Judge Bell was the Fifth Circuit's leading critic of using busing as a means of disestablishing the "separate but equal" school systems of the past. Although Bell strongly believed in both the legal and moral correctness of *Brown v. Board of Education* (1954), that black children have a fundamental constitutional right to attend school with white children and receive the same quality of education, he did not favor integration—that is, busing children several hours across town to achieve "a racial ratio [in each school] that reflected the total school population in the geographic entity" (Murphy 1999, 129). In his opinion, busing had nothing to do with equal protection and everything to do with social engineering. Bell interpreted *Brown* as giving black students "freedom of choice to go to schools, primarily in their own neighborhoods" (129). In this respect, he favored a strict neighborhood-school policy, with a majority-to-minority transfer policy that allowed students to transfer to a school outside of their neighborhood so long as the transfer did not have the effect of increasing the majority of the students' race at that school. If segregated schools still existed after the implementation of this policy, Bell advocated pairing nearby schools together as a means of further "disestablishing the dual school system" (101). Although Bell's argument did not, initially, carry the day, his valiant fight to preserve neighborhood schools remains praiseworthy. Many historians lavish praise on the activist members of the Fifth Circuit for requiring busing, but the real-world consequences of their actions have been devastating for public schools. Bell believes that the decline of public education in the United States is inextricably linked to the judiciary's decision to impose "forced integration and mandatory busing" on the schools: "Anybody with one eye and half sense should have known that busing would ruin them. The neighborhood strengths were lost" (132).

In addition to his formal participation on the bench, Bell also distinguished himself as an expert in the area of judicial administration, establishing "many of the Fifth Circuit's innovative screening and expediting processes" (U.S. Senate Committee on the Judiciary 1977, 6). He held several leadership roles in this area, serving as the chairman of the Federal Judicial Center's Committee on Innovation and Development (1968–1970), as a director of the Federal Judicial Center (1973), and as chairman of the American Bar Association's Commission on Standards of Judicial Administration (1976). He also took time from his judicial duties to serve as chairman of the Atlanta Commission on Crime and Juvenile Delinquency (1965–1966).

During his fourteen-plus years on the Fifth Circuit, Judge Bell participated in over 3,000 cases and authored more than 1,000 opinions. His reputation as jurist was such that four separate presidents (Kennedy, Nixon, Carter, and Reagan) had Bell on their short list of potential Supreme Court nominees. But as the fall of 1975 approached, Bell was restless. The intellectually challenging civil rights cases had come and gone, and he now spent the majority of his time dealing with "a heavy load of criminal and habeas corpus matters," work that he considered boring and dreary (Field Van Tassel 1993, 354). Around that same time, lawyers from King

and Spalding paid him a visit and asked him whether he would consider leaving the bench and rejoining the firm. The offer was tempting. Bell loved practicing law, and he missed working with clients. After a few months, he informed his fellow judges that he had decided to resign. They were taken aback by his announcement. It was highly unusual for a federal appellate judge to relinquish a lifetime appointment, and Bell was, at that time, only the fourth judge to ever resign from the Fifth Circuit. Although his colleagues were disappointed by the decision, they were nothing but complimentary of his service to the court. Judge Bryan Simpson summed up their collective sentiment nicely, noting that Bell "was a tower of strength, and I think his strength has been that he's been a balance wheel. He always took the center ground, and he can draw people from either side when we get in these real tough fights" (Murphy 1999, 140).

When Griffin Bell decided to step down from the bench, he thought his career as full-time public servant was over. But eleven short months later, everything changed. A childhood acquaintance, Jimmy Earl Carter, had been elected the thirty-ninth president of the United States and selected Bell to be his U.S. attorney general. Although he had no desire to return to government service, Bell's patriotism was such that he could not refuse a president's request to serve his country. His selection, however, created a firestorm of controversy, and several members from Bell's own party led the charge to derail his nomination. After being subjected to one of the most contentious Senate confirmation fights in modern history, the Senate Judiciary Committee voted ten to three, with one senator voting present, to recommend his confirmation to the full Senate. On 25 January 1977, the U.S. Senate voted seventy-five to twenty-one to confirm him. Later that day, Chief Justice Warren E. Burger swore in Bell as the nation's seventy-second U.S. attorney general.

Griffin Bell has been called one of the greatest attorney generals of the twentieth century. Under his leadership, the Department of Justice had an active legislative agenda on issues such as judicial administration, criminal justice reform, and intelligence reform. Bell also helped reshape the federal judiciary by overseeing the selection of 152 new judges and in the process appointed more blacks, women, and Hispanics to the bench than any other administration had up to that point. His primary achievement, however, was "rebuilding the Justice Department as a neutral zone in government [and] . . . restoring the integrity of the FBI and our foreign intelligence agencies in the wake of Watergate" (Barry 2000). At the time of Bell's resignation, in August 1979, Chief Justice Burger remarked that "[n]o finer man has ever occupied the great office of attorney general of the United States or discharge[d] his duties with greater distinction" (Murphy 1999, 302).

In the years following his return to King and Spalding, Griffin Bell has established himself as one of the country's premier lawyers and most prolific rainmakers, bringing numerous and profitable clients to the firm. Although he handles a variety of complex legal matters, he is nationally recognized for his expertise in conducting internal investigations of high-profile corporate crime (for example, E. F. Hutton check-kiting scandal; Exxon Valdez oil spill; Dow Corning breast implant controversy). He has also received a great deal of media attention for his pro bono representation of Eugene Hasenfus, an American mercenary shot down in Nicaragua while delivering arms to the Contras; serving as Pres. George H. W. Bush's private attorney during the Iran-Contra investigation;

and guiding the Atlanta Committee for the Olympic Games through a congressional investigation into actions taken by committee members during the bidding process.

In addition to his private practice, Judge Bell has continued to serve his country in a variety of leadership roles. In 1980, he led the U.S. delegation to the Conference on Security and Cooperation in Europe. He has also served as cochairman of the Attorney General's National Task Force on Violent Crime (1981); a member of the Secretary of State's Advisory Committee on South Africa (1985 to 1987); a director, and then chairman, of the Ethics Resource Center (1986 to 1991); a member of the Board of Trustees of the Foundation for the Commemoration of the United States Constitution (1986-1989); vice chairman of President Bush's Commission on Federal Ethics Law Reform (1989); a member of the Webster Commission, which, in March 2002, issued its report on Federal Bureau of Investigation (FBI) security programs and Russian spy Robert Hanssen; and a member of the ad hoc advisory committee established by Secretary of Defense Donald Rumsfeld for the purpose of developing rules to govern military tribunals (2002). During the Clinton impeachment process, he was one of nineteen legal scholars asked to testify before the House Judiciary Committee on the historical origins of impeachment. In 1984, Bell received the Thomas Jefferson Memorial Foundation Award for excellence in law, and he was recently named one of the 100 Georgians of the century.

Judge Bell's political clout remains considerable. In recent years, this onetime Democrat has taken to endorsing Republican presidential candidates. He lent his support to Vice Pres. George H. W. Bush in 1992, Sen. Robert Dole in 1996, and Gov. George W. Bush in 2000. During the presidential election controversy of 2000, Bell visited the recount site and served as one of the Bush team's key advisers. He also filed an amicus brief on behalf of the American Center for Law and Justice in *Bush v. Gore* (2000). After the election, Bell served as a member of president-elect Bush's transition advisory team for the Department of Justice. Although these actions have no doubt raised eyebrows in the Democratic Party, Bell insists that he is not a Republican: "I haven't switched parties, I consider myself to be an independent" ("Griffin Bell, Carter's Attorney General" 1996).

Griffin Bell's life is an American success story. Born into humble circumstances, he reached the heights of his profession through a combination of talent, ambition, and an indefatigable work ethic. More important, when positions of power provided him with an opportunity to make a difference, he consistently rose to the occasion. As a judge, his "intelligence and even-handedness in administering justice guided the South and the nation through some of its most perilous times" (Barry 2000). With all of his achievements, this is Bell's greatest legacy: his commitment to the rule of law and the equal rights of all citizens.

Mr. CHAMBLISS. There were many more important decisions in which he was involved, and I was privileged to study and learn from them while attending law school at the University of Tennessee.

Judge Bell was nominated by President Carter and confirmed by the Senate on January 25, 1977, as the Nation's 72nd Attorney General. His force of character and common sense revived a Justice Department that suffered from the Watergate era. According to Terry Adamson, a law clerk for the judge when he was on the Fifth Circuit, a

principal assistant for Judge Bell at the Justice Department and a longtime friend of his, he said in an article that also appeared this week in the *Atlanta Journal Constitution*:

Bell recently told NPR reporter Nina Totenberg that his effort to bring about transparency during his service at the department was the core of restoring public confidence.

Certainly, it was.

Mr. President, I ask unanimous consent that Mr. Adamson's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Jan. 7, 2009]

HARDWORKING BELL LEAVES A LEGACY TO BE APPRECIATED

(By Terry Adamson)

Judge Griffin Bell and I were breakfasting in the White House mess in 1991 with my wife, who was then on President George H.W. Bush's senior staff. The president heard Bell was there and sent a message to visit in the Oval Office. It was a visit among friends, and Bush and his wife, Barbara, at Bell's invitation, were soon at Sea Island where they had not visited since their honeymoon. Rounds of golf were played, a return engagement for Bell followed at Camp David that included golf with Bush and Arnold Palmer, and Bush soon had Bell as his personal lawyer. For Griffin Bell, who died Monday at age 90, that was normal.

During his terminal illness, Bell's doctors told him to establish a goal each day. He accomplished many during the last six months, invigorated by the outpouring of visits and calls of his lifetime of friends, and at peace after a satisfying and long life. His mind stayed clear and vigorous to the end. Former Atlanta Constitution editor Eugene Patterson was one of those who told Bell in a call a few weeks ago how "the courage" displayed by Bell and Gov. Ernest Vandiver to bring Georgia within the legal requirements of integration and save public education in Georgia "set my own bearing."

Bell was a new 43-year-old judge for just a few months on the 5th Circuit Court of Appeals when he drew the case that ended the discriminatory county unit system and changed Georgia elections. He was soon embroiled in Mississippi Gov. Ross Barnett's defiance of court orders to admit James Meredith to the University of Mississippi. The Georgia and Mississippi cases were two among about 3,000 cases in which he participated and more than 500 opinions that he wrote. These cases reflected his frequent and significant role during his nearly 15 years as a judge in which he synthesized the court's center, advancing civil rights. President John F. Kennedy went on television in the midst of the Barnett controversy to cite Bell and other southern judges as courageous heroes.

In 1977, Bell and President Jimmy Carter had a mission to refurbish the Justice Department and FBI after the severe tarnish of Watergate. He started and ended by boosting the professionalism of the careerists in the department. When he left, the esprit of the body of the men and women at Justice was at an all-time high.

As a critical ingredient of this mission, Bell earned the respect of a cynical post-Watergate press corps. Seemingly small things were part of his plan, such as posting on the press room bulletin board his own daily logs showing his every meeting and telephone call with anyone outside the Justice Depart-

ment from the day before. He enforced rules such as restricting White House contacts to only the highest levels of the department to minimize even the appearance of political pressures on lesser officials. Bell recently told NPR reporter Nina Totenberg that this transparency was the core of restoring public confidence.

While rigorous about his national security responsibilities and proud of the first modern successful prosecutions of spies, Bell also persuaded the intelligence community and the Congress to trust the judiciary to oversee domestic surveillance by authoring and passing the Foreign Intelligence Surveillance Act. He recruited and persuaded William Webster to resign a lifetime appellate judgeship to become head of the FBI.

Bell implemented Carter's campaign pledge to give meaningful roles to minorities and women. African-Americans as solicitor general and the head of the civil rights division were among his first two recruits. At the beginning of the Carter presidency, there were few minorities and no women judges on the federal appeals courts, and few on the trial courts. It was one of the highest priorities of Carter and Bell, and for the first time in history, significant percentages of women and minorities became federal trial and appellate judges.

As I watched Bell operate over the years, I was amazed not only with the depth of his mind, but his laudable ability to absorb and process the energy and knowledge of the law clerks, aides, or fellow lawyers around him in order to improve his own. The daily breakfast with other Justice officials in the Martha Mitchell dining room was nothing but fodder for his intellect.

Initially labeled by some critics as a "crony" of Carter, 21 senators voted against Bell's confirmation as attorney general. All of these opponents later publicly voiced their support for him. Bob Dole wrote in the *Washington Post* that his vote against Bell was one of his two worst votes in Congress. The leader of that initial opposition, Sen. Charles McMathias, a liberal Republican from Maryland, also recanted "the error of his opposition" as he hosted Bell at his Maryland farm before they together commemorated John Marshall, the first chief justice, at a nearby rural burial site.

Bell was a people's person of the first order, who valued his own common origins. Secretaries around the Justice Department would be surprised when this attorney general would wander into their far-flung offices, alone and unannounced. It took no more than five minutes before Bell had established a common acquaintance. On the day a massive snowstorm engulfed and closed Washington, the *Washington Post* called the offices of the Cabinet to see who was working. He and I were the only ones there that morning, and I was off making coffee, when the phone rang. He answered in his recognizable and unassuming drawl. That was the lead of the *Washington Post* story about who was working in Washington.

Bell's most mentioned trait was his rich humor and wit. Former Atlanta Constitution editor Reg Murphy wrote an engaging biography laden with samplings of this wit: "Uncommon Sense: The Achievement of Griffin Bell." Bell introduced a widely rumored aphrodisiac, rooster pepper sausage, to Washington, headlined in a front-page story by reporter Phil Gailey, "Rooster Pepper has White House Links."

Bell gave a still remembered acceptance speech in 1979 as "a candidate for President of the United States" at the Alfalfa Club, an annual banquet and mock political event in Washington usually attended by the current president, the Cabinet, military, judicial, political and business leaders. He began in his

distinctive Georgia drawl, "I would like to advise that arrangements have been made for simultaneous translation."

He continued (paraphrasing Churchill's great statement), "Our motto will be to wage obfuscation. We will wage obfuscation on the beaches and on the landing fields and in the political arena of America. And when all else fails and we can no longer obfuscate, we will tell the truth to the extent we know it."

We celebrate with deep affection the life of this rare man.

Mr. CHAMBLISS. When leaving the Fifth Circuit, Judge Bell returned to King and Spalding and distinguished himself as one of the country's premier lawyers.

In closing, as I have paid tribute to his distinguished career, I wish to take a moment to pay tribute to this wonderful gentleman and friend. As a lawyer, I learned so much from him about the practice of law. As a Congressman and Senator, I learned so much about politics and public service.

As a friend, I enjoyed our visits and conversations. His keen sense of humor has been compared to Mark Twain. As my good friend, Bob Steed—Georgia's very own "Mark Twain"; a real humorist, columnist, and long-time law partner of Judge Bell—said this week of his wisdom and wit:

If he took a position, he'd take it strongly and defend it. But if someone improved it, he was willing to give way. His ego didn't get involved with choices . . . He was sharp to the very end. He told his son that there must be a committee in heaven in charge of dying, because it was taking so long.

That was Judge Bell.

Griffin Bell changed the course of the history of our country. As a judge on the Fifth Circuit, his decisions regarding integration of school systems in Georgia and across the South were a model for integration throughout the Nation. In his role as Attorney General, he did much to restore the public's trust in the Department of Justice. He was a close personal friend of mine, and this is not only a national loss but a personal one as well.

Mr. President, I have before me a commencement speech that he gave at Mercer University Law School in 2002. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Dr. Godsey, Congressman Chambliss, members of the faculty, families of graduates, graduates and friends:

I congratulate each one of you graduates on having completed law school. Through much study and great effort, you are about to become lawyers. You are about to become members of a privileged class of Americans because as lawyers, you are agreeing to serve your fellow Americans in resolving those kinds of disputes which arise in a free country.

We have many rights and many responsibilities, and lawyers are necessary to resolve the conflicts which arise from time to time with respect to those rights and responsibilities.

In 1835, a young Frenchman by the name of Alexis de Tocqueville came to this country

to study our prison system. He stayed for two years and ended up writing *Democracy in America*, an epic study of our democratic system. He reached many conclusions, and two apply to you.

First, he said that almost every problem that arises in a democracy will eventually be resolved in the court system. This was true then and it is true now.

Second, he said that there was no aristocracy in America, but that the nearest approach to aristocracy was in the lawyer class. His thought was that lawyers occupy an unusual and favored position in our system.

So now that you are about to become aristocrats, I want to give you a short lecture on behavior. We have an ample supply of lawyers in our country, and some of the lawyers overlook the obligation to serve others. They also distort the privilege of practicing law by converting it into a mere occupation. I was taught in law school that a lawyer had ethical obligations well above the morals of the marketplace.

We are privileged to represent others in resolving their problems, but we have to do so with the public interest in mind. We can advise and counsel and defend clients, but we cannot advise or facilitate activities which violate the law. We live in a very complex world where the channels of commerce depend on tax laws, which are often unfathomable. There is a fine line between tax avoiders and tax evaders. Accounting standards can be evaded with the result that the public loses confidence in our business corporations and in the integrity of the marketplace. Lawyers are the watchmen on the wall in the sense that they should say no to clients who engage in such activities.

One of the first duties of a lawyer is to remain detached in any representation to the end that you do not facilitate the breaking of the law. Always err on the side of doing right. You and only you are responsible for your ethics.

You should attach yourself to a mentor at the earliest possible time. Those of you who will be trial lawyers—and that will probably be about half of you—will not have the privilege of being trained as barristers, as would be the case in England, where you would have your training at an Inn of Court. Inns of Court do not teach law, but they teach lawyers how to conduct themselves and how to behave themselves. Once they are certified by their mentors, as knowing how to conduct themselves, they become barristers. If you attach yourself to a mentor who has integrity—and I can assure you that the older lawyers are always glad to help young lawyers—you will absorb those qualities of conduct that will make you into respected lawyers.

The rules of conduct that you should follow in your practice can be simply stated.

1. To a client a lawyer owes undivided allegiance and the utmost application of your learning, skill and industry as well as the employment of all appropriate legal means within the law to protect and enforce the interests of the clients. You should not be deterred by any fear of judicial disfavor or public unpopularity. Nor should you be influenced by self interest.

2. To opposing counsel a lawyer owes a duty of courtesy, candor in the pursuit of truth and cooperation in all respects—not inconsistent with the clients' interests. You also must scrupulously observe all mutual understandings. Your word is your bond.

3. To the courts you owe respect, diligence, candor and punctuality. You should also work to ensure the independence of the judiciary and protect the courts against unjust and improper criticism. In return, you should expect from the judge and the courts

that you be treated with respect and that your dignity and independence as an officer of the court be maintained. I have always thought it a mark of great distinction that a lawyer in court can make a statement, as they say, "in his or her place" to the court, without the necessity of being put under oath. This is a mark of our professionalism.

4. In the administration of justice, you must abide by the rules and conform to the highest principles of professional rectitude, irrespective of the desires of the clients or others.

5. To the public you owe the duty of making certain that the system for administering justice is fair and efficient, and you should do what you can to improve the system.

6. To the public you also owe the duty of seeing to it that counsel is made available to those who cannot afford counsel either on a pro bono basis or for such fees as can be afforded.

7. Finally, to our country you owe the duty of leadership. You are in the class "to whom much is given, much is expected."

You should arrange your affairs as lawyers so as to have time to be thorough and diligent. The bane of many lawyers may be having too much practice. You do not serve any client well when you lack the time to be thorough and prompt. You are not required to take every matter that is presented to you, but having assumed a representation, it becomes your duty to finish the representation. Sometimes you will make a bad bargain, but as professionals, you are still obligated to carry out the representation.

Someone asked one of my friends when we were in law school why so many of us veterans were going to law school just after World War II. My friend replied that we were hoping to gain a part of the American dream. In most instances, my generation has found the American dream. We have had good, rewarding lives and we have taken great pride in our profession.

I am proud to be a lawyer. I am proud of the fact that my son is a lawyer, and I am proud of the fact that my grandson, a member of this class, is about to become a lawyer. Being a lawyer is an honorable profession, and our obligation is to maintain it with honor.

I feel certain that all of you will have that attitude toward being lawyers, and I wish you well as you go forth now into the practice. I hope that each one of you will find the American dream.

Thank you.

Mr. CHAMBLISS. I remember the day very well when Judge Bell gave that commencement speech at Mercer Law School because that day his grandson Griffin, III graduated from Mercer Law School, and my son Bo graduated from Mercer that same day. I was privileged not only to be there to see my son graduate from law school but also to share the dais with Judge Bell and to introduce Judge Bell to make that commencement address.

He was a great American. He was a terrific lawyer with unparalleled credentials, unparalleled integrity, and someone who is going to be missed by our State and by our country.

(Ms. KLOBUCHAR assumed the chair.)

ISRAEL

Mr. CHAMBLISS. Madam President, I also wish to discuss the security in